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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,861	02/09/2004	Andrew J. Sullivan	61658.000001	9492
<div>7590 Peter G. Thurlow, Esq. 326 South Pleasant Avenue Ridgewood, NJ 07450</div>			<div>EXAMINER GUIDOTTI, LAURA COLE</div>	
			<div>ART UNIT 1744</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/774,861

Applicant(s)

SULLIVAN, ANDREW J.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02092004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the roller having an increasing diameter from one end of the roller to the other end of the roller (claim 6), the first securing means comprising through bolts connected to each end of the roller (claim 9), the second securing means comprising nuts, bolts, screws, and washers (claim 10), the openings comprising slotted openings (claims 11 and 16), each end of the roller being tapped (claim 15), and the first, second, and third securing means comprise through bolts, screws, nuts, and washers (claim 20) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

Paragraph 6 of the Specification (pages 3-4) describes prior art in detail by using reference numerals. This is confusing because the prior art is not shown in the drawings and some of the reference numerals are the same as differing parts of the Applicant's figures. The reference numerals referring to prior art should be removed.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 9 is objected to because of the following informalities:

Claim 9 recites the limitation "the movement" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Each of claims 10 and 20 disclose that the second securing means comprises nuts, bolts, screws, and washers. Claim 20 also states that the first and third securing means additionally comprises nuts, bolts, screws, and washers. It is unclear as to how any of the first, second, or third securing means can comprise *all* of nuts, bolts, screws, and washer. From the Applicant's drawings and specification, is not clear as to how the securing means can comprise both a screws and bolts.

Claim 11 recites the limitation "the openings" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 7-8, 11-13, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dobson, US 2005/0051278.

Dobson discloses the claimed invention including a pole (30, 32) having a general U-shaped bracket at one end (includes 20a, 20b), a roller (16) connected by a first securing means to the general U-shaped bracket (pin 18), a general L-shaped bracket having a horizontal leg (36) and vertical leg (38), wherein the horizontal leg

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includes openings (where 37a, 37b are located) for a second securing means to secure the general U-shaped bracket to the general L-shaped bracket (see Figures, particularly Figure 2). Regarding claim 2, the vertical leg includes openings for a third securing means to secure a blade (40) to the general L-shaped bracket (Figure 2, openings are unlabeled). Regarding claims 3, 13, and 18, the roller has a solid core (as the roller is a solid, paragraph 35). Regarding claim 5, the roller has a same diameter from one end of the roller to the other end of the roller (as shown in Figures). Regarding claim 7, an other end of the pole has a female fitting (in that it is tubular and is capable of accepting a male fitting). Regarding claim 8, an other end of the pole has a ball-like object connected thereto (wheel 50 is "ball-like"). Regarding claims 11 and 16, the openings are slotted openings (as the openings mentioned above are inherently slots). Regarding claim 12, the blade (40) has openings at generally its base to receive a third securing means to secure the blade to the vertical leg (not labeled, see Figure 2), wherein the roller and the blade are arranged on generally parallel vertical planes, generally opposed to each other (as shown in Figures). Regarding claim 17, the blade has a greater width than a width of the roller (see Figures 1 and 5, the blade 40 has a width or span past 20a and 20b, the roller has a width so as to fit between 20a and 20b).

6. Claims 1-5 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sweeny, US 4,707,202.

Sweeny discloses the claimed invention including a pole (12) having a general U-shaped bracket at one end (formed by 136 and 76), a roller (82 or 86) connected by a

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first securing means to the general U-shaped bracket (shaft 84 or 88), a general L-shaped bracket having a horizontal leg (146) and vertical leg (150), wherein the horizontal leg includes openings (where 148 is located) for a second securing means to secure the general U-shaped bracket to the general L-shaped bracket (see Figures, particularly Figures 2-2A). Regarding claim 2, the vertical leg includes openings for a third securing means to secure a blade (152) to the general L-shaped bracket (150, 154). Regarding claims 3, 13, and 18, the roller has a solid core (as the roller is a solid, constructed of hard rubber, Column 5 Lines 36-38). Regarding claims 4, 13, and 19 the roller has an increasing diameter from the ends of the roller to the center of the roller (as shown on roller 86 in Figure 2). Regarding claims 5 and 14, the roller has a same diameter from one end of the roller to the other end of the roller (roller 82 as shown in Figures). Regarding claim 9, the first securing means comprises through bolts connected to each end of the roller, the connection not impeding the movement of the roller (see Figures). Regarding claims 11 and 16, the openings are slotted openings (as the openings mentioned above are inherently slots). Regarding claim 12, the roller and the blade are arranged on generally parallel vertical planes, generally opposed to each other (as shown in Figures). Regarding claim 15, each end of the roller is open and would have been capable of having been drilled and tapped to receive the first securing means (shaft 84 or 88 must fit within the roller, drilled and tapped are considered to be product-by-process limitations). Regarding claim 17, the blade has a greater width than a width of the roller (see Figure 2 particularly).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeny, US 4,707,202 in view of Holcomb et al., US 5,473,791.

Sweeny discloses all elements above, however does not disclose that the roller has an increasing diameter from one end of the roller to the other end of the roller.

Holcomb et al. teach a roller (18), that rolls along walls for painting, that specifically teaches that a roller that is specifically shaped can be advantageously used between wall surfaces in corners and also if it is desired, a roller may be shaped so that it has an increasing diameter from one end of the roller to the other end of the roller (as shown in the embodiment of Figure 6) when it is only desired to use the roller along one wall of a corner (Column 5 Lines 27-34, Figure 6).

It would have been obvious for one of ordinary skill in the art to substitute the shaped corner roller of Sweeny for one that has an increasing diameter from one end of the roller to the other end of the roller, as Holcomb et al. teach, to provide a capable rolling surface when only rolling is desired on one wall of a corner of drywall.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeny, US 4,707,202.

Sweeny discloses all elements above, however does not include a first, second, and third securing means having nuts, bolts, screws, and washers. It is clear from the



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Figures that there are at least nuts, bolts, and screws as securing means. It is also well known to use nuts, bolts, screws, and washers in securing mechanical devices.

Therefore, it would have been obvious for one of ordinary skill in the art to substitute the first, second, and third securing means for securing means comprising nuts, bolts, screws, and washers in order to satisfactorily secure two mechanical members to one another.

9. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobson, US 2005/0051278.

Dobson discloses all elements above, however does not include a first, second, and third securing means having nuts, bolts, screws, and washers. It is clear from the Figures that there are at least nuts, bolts, and screws as securing means. It is also well known to use nuts, bolts, screws, and washers in securing mechanical devices.

Therefore, it would have been obvious for one of ordinary skill in the art to substitute the first, second, and third securing means for securing means comprising nuts, bolts, screws, and washers in order to satisfactorily secure two mechanical members to one another.

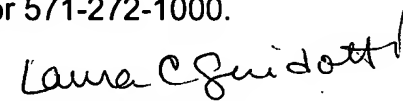
### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Laura C Guidotti  
Patent Examiner  
Art Unit 1744

lcg